



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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DEC - 4 2002

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#12

In re Application of :
Judith W. Zyskind :
Serial No.: 09/630,931 : PETITION DECISION
Filed: August 2, 2000 :
Attorney Docket No.: ELLITRA.006A :

This is a decision on the Petition under 37 CFR 1.181, filed August 1, 2002, to Withdraw Holding of Abandonment based on non-receipt of an Office action.

A review of the file history shows that the examiner mailed a first Office action to applicant on November 28, 2001, setting a one month shortened statutory period for reply. Upon failure to receive a reply the examiner mailed a Notice of Abandonment to applicants on July 12, 2002. Applicant states that the Office action was not received and provide copies of docket records where the Office action would have been recorded had it been received. In view of the statements and evidence presented it is concluded that applicant never received the Office action. In view thereof, the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be returned to the examiner for prompt remailing of the Office action.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7922.


Bruce M. Kisliuk

Director, Technology Center 1600